



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,245	10/08/2003	Robert M. Getler	2002-0657.02	1008

21972 7590 01/18/2008
LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON, KY 40550-0999

EXAMINER

LIN, KENNY S

ART UNIT	PAPER NUMBER
----------	--------------

2152

MAIL DATE	DELIVERY MODE
-----------	---------------

01/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/682,245

Applicant(s)

GETLER ET AL.

Examiner

Kenny Lin

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-27 are presented for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 6 have been considered but are moot in view of the new ground(s) of rejection.

3. Claim 27 remain rejected under the same ground since claim 27 does not recite the same limitation as argued and pointed out in claim 1. Claim 27 does not specify that the location of the database and did not specify the use of a monitoring computer for storing the status computer in a database. Therefore, since the database can be interpreted as the database of the first computer.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by Miyachi, US 6,108,492.

6. As per claim 27, Miyachi taught the invention including a method for monitoring a printer, comprising the steps of:
- a. Receiving first printer status information associated with a first non-networked printer from a first computer via a first network (ol.5, lines 47-60, col.9, lines 10-16, col.10, lines 44-49), said first non-networked printer (110a) in communication with said first computer (110b) via a first peripheral connection (channel 205); and
 - b. Storing said first printer status information in a database configured to store said first printer status information (col.3, lines 60-64, col.5, lines 21-24, col.10, lines 28-31: Database 240).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
8. Claims 1-2, 4-9, 13-14, 16-21 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyachi, US 6,108,492.
9. Miyachi was cited in the previous Office Action.

10. As per claims 1, 13 and 25-26, Miyachi taught the invention substantially as claimed including a printer monitoring system, comprising:

- a. A first network (LAN 160 or PSTN 130: fig.1);
- b. A first computer connected to said first network (110b);
- c. A first non-networked printer (MFP 110a: fig.1) in communication with said first computer via a first peripheral connection (channel 205), said first non-networked printer having associated therewith first printer status information (col.5, lines 57-60);
- d. First agent software installed on said first computer, said first agent software configured to obtain said first printer status information from said first non-networked printer (col.5, lines 47-50, col.9, lines 10-16, col.10, lines 44-49);
- e. A monitor computer in communication with said first computer via said first network (remote monitoring computer 170 or workstation 150: col.4, lines 49-51, col.9, lines 42-52);
- f. Manager software installed on said monitor computer, said manager software configured to obtain said first printer status information from said first agent software (col.9, lines 1-2, col.10, lines 60-65); and
- g. A database configured to store said printer status information (col.5, lines 21-24),
- h. Said first computer executing said first agent software to obtain said first printer status information from said first non-networked printer via said first peripheral connection, said first agent software forwarding via said

first network said first printer status information to said manager software executing on said monitor computer (col.10, lines 36-65) for storage in said database.

11. Miyachi did not specifically teach the monitor computer to store the status information in a database. However, Miyachi taught to provide the entire database of the first computer to the monitoring computer (col.9, lines 45-47) wherein the status information are in a format native to the database (col.10, lines 60-65). Hence, in order for the monitoring computer to obtain the entire database, it is essential for the monitoring computer to cache or store the entire database in a storage, either temporary or permanently. Furthermore, it is obvious to one of ordinary skill in the art for a computer to comprise a storage means such as a hard drive or floppy drive. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching Miyachi to include a database in associated with the monitoring computer 170 to store the status information provided by the host computer.

12. As per claims 2 and 14, Miyachi taught the invention substantially as claimed in claim 1. Miyachi further taught that the first agent software is in bi-direction communication with said first non-networked printer (col.10, lines 36-41: transmit request and receive response from MFP).

13. As per claims 4 and 16, Miyachi taught the invention substantially as claimed in claim 1. Miyachi further taught that said first agent software is configured to poll said

first non-network printer in order to obtain said first printer status information (col.8, lines 61-67).

14. As per claims 5 and 17, Miyachi taught the invention substantially as claimed in claim 1. Miyachi further taught that said first agent software is configured to poll said non-networked printer on a periodic basis (col.8, lines 61-67, col.10, lines 13-21).

15. As per claims 6 and 18, Miyachi taught the invention substantially as claimed in claim 1. Miyachi did not teach said first agent software is configured to receive corresponding printer status information from more than one non-networked printer directly connected to said first computer. However, Miyachi's stated that a preferred one-to-one correspondence is for the purpose of maximizing efficiency of the host computer and the printer (col.5, lines 34-36). For this reason, Miyachi's teaching is not limited to the one-to-one correspondence between host computer and printer setup. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Miyachi and configured a many-to-one connection between a host computer and a plurality of printers to reduce equipment cost.

16. As per claims 7 and 19, Miyachi taught the invention substantially as claimed in claim 1. Miyachi did not teach to comprise at least one additional non-networked printer, each said at least one non-networked printer being in communication with said first computer via a corresponding peripheral connection, each said at least one additional non-networked printer having associated therewith a corresponding printer status

information, wherein said first agent software is configured to obtain said corresponding printer status information from said at least one additional non-networked printer via said corresponding peripheral connection, said first agent software forwarding via said first network said corresponding printer status information to said manger software executing on said monitor computer, and said manager software configured to receive said corresponding printer status information from said first agent software and store said corresponding printer status information in said database. However, Miyachi's stated that a preferred one-to-one correspondence is for the purpose of maximizing efficiency of the host computer and the printer (col.5, lines 34-36). For this reason, Miyachi's teaching is not limited to the one-to-one correspondence between host computer and printer setup. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Miyachi and configured a many-to-one connection between a host computer and a plurality of printers to reduce equipment cost.

17. As per claims 8 and 20, Miyachi taught the invention substantially as claimed in claim 1. Miyachi further taught a second computer connected to said first network and a second non-networked printer for performing the processes identical to the first computer and the first printer (col.5, lines 34-47: ...*between Hosts and MFPs*. Note the devices in plural form).

18. As per claims 9 and 21, Miyachi taught the invention substantially as claimed in claim 1. Miyachi further taught said first network is one of a local area network and the Internet (LAN 160).

19. Claims 3, 10-12, 15 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyachi as applied to claims 1 and 13 above, and further in view of Sekizawa, US 6,430,711.

20. Sekizawa was cited in the previous Office Action.

21. As per claims 3 and 15, Miyachi taught the invention substantially as claimed in claims 1 and 13. Miyachi did not specifically teach that said first agent software is configured to obtain said printer status information from said first non-networked printer on demand. Sekizawa taught to monitor status using both periodically or on demand (col.5, lines 17-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Miyachi and Sekizawa because Sekizawa's teaching enables Miyachi's method request status information at any time.

22. As per claims 10 and 22, Miyachi taught the invention substantially as claimed in claims 1 and 13. Miyachi did not specifically to transmit the status information from the database to a data collection computer via a second network. Sekizawa taught a second network, said monitor computer connected to said second network; transmission software installed on said monitor computer, said transmission software configured to extract said first printer status information from said database and transmit said first printer status information across the second network; a data collection computer connected to said second network; and data reception software installed on aid data collection computer,

said data reception software configured to received said first printer status information, said monitor computer executing said transmission software to extract said first printer status information from said database and transmit said first printer status information across said second network, said data collection computer executing said data reception software to receive said first printer status information via said second network (col.3, lines 22-28: since the status information is stored in a database, transmitting the status information requires obtaining the status information from the database). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Miyachi and Sekizawa and distribute the status information to various computers or servers connected via various type of network for management and log keeping proposes.

23. As per claims 11 and 23, Miyachi and Sekizawa taught the invention substantially as claimed in claims 10 and 22. Sekizawa further taught said second network is one of a local area network and the Internet (col.3, lines 61-63).

24. As per claims 12 and 24, Miyachi and Sekizawa taught the invention substantially as claimed in claims 10 and 22. Sekizawa further taught to forward printer status information of at least one networked printer connected to said first network across the first network; tracking software installed on said monitor computer for obtaining said at least one networked printer status information and store said at least one networked printer status information on said database; and extract the networked printer status information from the database and transmit it to the data collection computer via the

second network (col.3, lines 44-53, col.5, lines 61-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Miyachi and Sekizawa to monitor various types of printers and obtain corresponding status information and stored the status information in various computers or servers across various type of network for management and log keeping proposes.

Conclusion

25. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Application/Control Number:
10/682,245
Art Unit: 2152

Page 11

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl
December 13, 2007

